



National Parks and the Natural Environment Bill

The consultation on the proposed National Park came to an end on 14th February.

Many concerns about this process have been raised and more details of these can be found in previous papers.¹

One of the most fundamental issues was that, whilst the consultation was framed with reference to the **National Parks (Scotland) Act 2000**, at the same time, Government appeared to be considering significant changes to this in the forthcoming **Natural Environment Bill**. To consult based on the 2000 Act, at the same time as planning major changes to the legislation, was felt to have a clear potential to undermine the foundations of the process.

It was therefore deeply concerning when, less than a week after the consultation closed, the new Bill was published². It does indeed propose significant changes.

These include changes to areas as fundamental as **the aims and purposes of National Parks**. Many in the local community believe this action underlines how little regard the Scottish Government have for the views they offered as part of the consultation. Many have also questioned whether it is lawful to spend months consulting on an issue of such significance and, within a matter of days after this consultation closed, to propose far reaching changes to the underpinning legislation.

This legislation was cited by NatureScot in their role as Reporter throughout the process, *'Key elements of the legislative framework - The National Parks (Scotland) Act 2000 provides the legislative framework for all National Parks in Scotland³.*

The National Parks section of the new Bill also includes significant changes that will have a direct impact on other public bodies. These include **strengthening the duty on public bodies in the park**. Section 14 of the 2000 Act **'Duty to have regard to National Park Plans'** states that National Park Authorities, local authorities and any other public body or office holder must, in exercising functions that affect a National Park, have regard to the National Park Plan. This duty will become, **'Duty to facilitate implementation of National Park Plans.'**

¹ <https://nogallowaynationalpark.org/wp-content/uploads/2024/12/NGNP-Thought-Paper-Consultation-Issues.pdf> <https://nogallowaynationalpark.org/wp-content/uploads/2025/01/NGNP-Thought-Paper-Consultation-Issues-January-Update-1.pdf>

² <https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>

³ <https://www.nature.scot/sites/default/files/2024-11/full-technical-consultation-proposed-national-park-in-galloway.pdf> Nov 2024

It also requires all public bodies to consider the aims of the National Park before carrying out any work within the National Park, not just in relation to matters included in a National Park Plan.

The proposed change requires public bodies to cooperate with and support the execution of the Park Plan, whether by taking active steps or removing barriers to implementation. In effect, this could mean that public bodies will have an obligation to actively support and contribute to the implementation of National Park Plans. It could include, for example, actions aiming to manage visitor pressures.

Given the pressures on Council budgets they do not have any scope to incur costs related to the establishment or ongoing delivery of a National Park. Yet there is no suggestion of additional funding for Councils to meet this new obligation.

Other substantial changes in the Bill regarding National Parks include adjustments to the Land Reform Act 2003 and the National Parks Act 2000 to allow new National Park authorities to be local authorities for the purposes of land access rights. In addition, it proposes an enabling power to introduce fixed penalty notices for the enforcement of National Park byelaws.

It must be left to legal experts to interpret exactly how these changes may impact on the powers and responsibilities of local public bodies, but there is an important principle at stake. Many, including the Scottish Government, have endorsed the principle of Local Self-Government.

In June 2023, the Convention of Scottish Local Authorities and the Scottish Government agreed a new Partnership Agreement, the Verity House Agreement⁴. This included a commitment to the European Charter of Local Self-Government. Through this, public responsibilities should be carried out by the authorities closest to citizens, and management of many aspects of public life should be controlled at a Local Authority level.

Previous thought papers have⁵ demonstrated that Park Authorities are centrally accountable non-departmental government bodies. As such, they do not fit with the principle of Local Self-Government or support local democracy. The proposed strengthening of their powers further undermines this principle.

Whilst it remains to be seen what the outcome of the consultation will be, to introduce such wide ranging changes to the underpinning legislation at this point in the process beggars belief.

⁴ <https://www.gov.scot/publications/new-deal-local-government-partnership-agreement/>

⁵ <https://nogallowaynationalpark.org/wp-content/uploads/2024/12/NGNP-Thought-Paper-Local-Representative-or-Puppet.pdf>